

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERTO NUNEZ,

Petitioner,

– against –

JAIFA COLLADO, *superintendent, Shawangunk
Corr. Facility,*

Respondent.

ORDER

18-cv-5627 (ER)

RAMOS, D.J.:

Roberto Nunez, proceeding *pro se*, filed the instant petition for a writ of *habeas corpus* on June 20, 2018. Doc. 2. The Court ordered Respondent to file an answer to the petition on June 26, 2019. Doc. 5. The same day, the Court referred the case to Magistrate Judge Ona T. Wang. Doc. 6.

The Court stayed the proceedings and held Nunez’s petition in abeyance on September 5, 2018, pending the completion of exhaustion of his claims in the state courts. Doc. 15. Nunez thereafter filed an amended petition on February 3, 2021. Doc. 17. The Court then instructed Respondent to file an answer to the petition on February 10, 2021. Doc. 21. The opposition was filed on April 8, 2021. Doc. 25.

On June 7, 2023, Magistrate Judge Wang issued a report and recommendation (“R&R”), recommending that the petition be denied. Doc. 28. The R&R made clear to the parties that they had fourteen days from its service to file written objections. *Id.* at 21. That period has passed, and no objection to the R&R has been filed. Nor has Nunez requested an extension of time to do so. *See id.*

I. STANDARD OF REVIEW

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise “specific,” “written” objections to the report and recommendation “[w]ithin fourteen days after being served with a copy.” *Id.*; *see also* Fed. R. Civ. P. 72(b)(2).

A district court reviews *de novo* those portions of the report and recommendation to which timely and specific objections are made. 28 U.S.C. § 636(b)(1)(C); *see also United States v. Male Juvenile (95-CR-1074)*, 121 F.3d 34, 38 (2d Cir. 1997). The district court may adopt those parts of the report and recommendation to which no party has timely objected, provided no clear error is apparent from the face of the record. *Lewis v. Zon*, 573 F. Supp. 2d 804, 811 (S.D.N.Y. 2008).

II. DISCUSSION

Notwithstanding that no objections were filed, the Court reviewed Magistrate Judge Wang’s thorough and well-reasoned report and finds no error, clear or otherwise. The Court therefore adopts Magistrate Judge Wang’s recommendations.

For the reasons set forth above, the petition for a writ of *habeas corpus* is DENIED. The Clerk of the Court is respectfully directed to terminate the petition, Doc. 17, and close the case.

It is SO ORDERED.

Dated: June 29, 2023
New York, New York



EDGARDO RAMOS, U.S.D.J.